

**571—15.12(483A) Electronic license sales.**

**15.12(1)** The director may designate a retail business establishment, an office of a government entity, or a nonprofit corporation as a seller of electronically issued licenses in accordance with the provisions of this rule. The provisions of 571—15.2(483A) shall not apply to a license seller engaging in, or applying to engage in, the electronic sale and issuance of licenses.

**15.12(2) Application.** Application forms may be secured by a written or in-person request to the Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319. The following information must be provided on the application form:

- a.* The legal name, address, and telephone number of the entity applying for designation;
- b.* The hours open for business and general service to the public;
- c.* A brief statement of the nature of the business or service provided by the applicant;
- d.* The potential volume of license sales;
- e.* The current financial status of the proposed license seller with respect to future viability and longevity;
- f.* A brief statement in regard to the need for license sellers in the geographic area in which the applicant is located; and
- g.* A notarized signature by an owner, partner, authorized corporate official, or public official of the entity applying for designation.

**15.12(3) Designation.** The director shall approve or deny the application to sell electronically issued licenses based upon the following criteria:

- a.* The need for a license seller in the area;
- b.* The hours the applicant is open for business or general service to the public;
- c.* The potential volume of license sales;
- d.* The apparent financial stability and longevity of the license seller; and
- e.* The number of point-of-sale (POS) terminals available to the department.

**15.12(4) Issuance of electronic licensing equipment.** Upon the director's approval of an application and designation of a license seller for electronic license sales, the equipment necessary to conduct such sales will be issued to the license seller by the department subject to the following terms and conditions:

- a.* Prior to the issuance of the electronic licensing equipment, the approved electronic license seller shall furnish to the department an equipment security deposit in an amount to be determined by the department.
- b.* Prior to the issuance of the electronic licensing equipment, the approved electronic license seller shall enter into an electronic license sales agreement with the department which sets forth the terms and conditions of such sales including the authorized amounts to be retained by the license seller.
- c.* Prior to the issuance of the electronic licensing equipment, the approved electronic license seller shall furnish to the department a signed authorization agreement for electronic funds transfer pursuant to subrule 15.12(5).
- d.* Permit-issuing equipment and supplies must be securely stored to protect them from fire, theft, or unauthorized access. Any loss of equipment or moneys derived from license sales is the responsibility of the electronic license seller.

*e.* Upon termination of the agreement by either party, all equipment and supplies, including unused paper stock, ribbon, user's guides, and training videos must be returned to the department. Failure to return equipment and supplies in a usable condition, excluding normal wear and tear, will result in the forfeiture of deposit in addition to any other remedies available by law to the department.

**15.12(5) License fees.** All moneys received from the sale of permits, less and except the agreed-upon service fee, must be immediately deposited and held in trust for the department of natural resources.

*a.* All approved applicants must furnish to the department a signed authorization agreement for electronic funds transfer authorizing access by the department to a bank account for electronic transfer of permit fees received by the license seller.

*b.* The amount of money due for accumulated sales will be drawn electronically by the department on a weekly basis. The license seller shall be given notice of the amount to be withdrawn at least two

business days before the actual transfer of funds occurs. The license seller is responsible for ensuring that enough money is in the account to cover the amount due for accumulated sales.

*c.* License sellers may accept or decline payment in any manner other than cash, such as personal checks or credit cards, at their discretion. Checks or credit payments must be made payable to the license seller and not to the department. The license seller shall be responsible for ensuring that the license fee is deposited in the electronic transfer account, regardless of the payment or nonpayment status of any check accepted by the license seller.

**15.12(6)** Equipment shut down. The department reserves the right to disconnect or block the license seller's access to the electronic license sales system under the following conditions:

*a.* Upon the first incident in which there are insufficient funds in the electronic transfer account to cover accumulated sales at the time of the electronic transfer, the license seller has seven days from the date of the first attempted transfer to correct this deficiency. If the deficiency is not corrected within seven days from the date of the first attempted transfer, the license seller's access to the electronic license sales system may be disconnected or blocked until the deficiency is corrected.

*b.* Upon the second incident in which there are insufficient funds in the electronic transfer account to cover accumulated sales at the time of the electronic transfer, the department may immediately disconnect or otherwise block the license seller's access to the electronic license sales system until the deficiency is corrected.

*c.* Upon the termination of the electronic license sales agreement pursuant to subrule 15.12(7) or 15.12(8), the department may disconnect or otherwise block the license seller's access to the electronic license sales system.

**15.12(7)** Termination. The department reserves the right to terminate the electronic license sales agreement and disconnect the electronic license issuing equipment for cause. Cause shall include, but is not limited to, the following:

*a.* Failure by the license seller to deposit license fees into the electronic transfer account in a sum sufficient to cover the amount due for accumulated sales;

*b.* Charging or collecting any fees in excess of those authorized by law;

*c.* Discriminating in the sale of a license in violation of state or federal law;

*d.* Knowingly making a false entry concerning any license sold or knowingly issuing a license to a person who is not eligible for the license issued;

*e.* The personal, including business, use of license sale proceeds other than the service fee by the license seller;

*f.* The disconnecting or blocking of access to the electronic license sales system for a period of 30 days or more pursuant to subrule 15.12(6); or

*g.* Repeated violations of these rules or the terms of the electronic license sales agreement.

**15.12(8)** Voluntary termination. A license seller may terminate its designation and the electronic license sales agreement at its discretion by providing written notice to the department by certified mail, return receipt requested. Voluntary termination shall become effective 30 days after the department's receipt of notice.